IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

Bail Appl..No. 1065 of 2007()

CRIME NO.111/07 OF KALAMASSERY POLICE STATION

: PETITIONERS

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1. SUNEESH BOSE @ SUNIL, S/O.A.M.CHANDRA BOSE, AGED 28 YEARS, ALAKKAPPILLI HOUSE, CHITHIRA NIVAS, SRM ROAD, KOCHI-18.

2. SIJU.A.M. @ KUTTAN, S/O.MOHANAN, AGED 36 YEARS, ANJILPARAMBIL HOUSE, KATHRUKADAVU, KOCHI-17.

BY ADV. SRI.DENIZEN KOMATH

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE SUB INSPECTOR OF POLICE, KALAMASSERY POLICE STATION, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. CIRCLE INSPECTOR OF POLICE, KALAMASSERY CIRCLE, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.1065 OF 2007

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DATED THIS THE 23rd DAY OF FEBRUARY, 2007

O R D E R

Petitioners, two in number, seek anticipatory bail on the allegation that the Kalamassery Police are at their heels at the instance of one Lissy.

2. Learned Public Prosecutor on instructions submitted that the petitioners are accused 1 and 2 in Crime No.111/07 of Kalamassery Police Station for offences punishable under sections 452, 354, 352, 342 and 294(b) read with section 34 IPC. He further submitted that the petitioners had broke open the flat of the de facto complainant at about 2.30 AM on 15.2.2007 and had locked up the de facto complainant and her husband in a room till 6.30 AM until recourse made to the Police by the de facto complainant.

3. According to the petitioners, the only attempt by them was to get back the cheques issued by the first accused to the de facto complainant by way of security.

4. Anticipatory bail cannot be granted in a case of this nature. Even though I am not inclined to grant anticipatory bail to the petitioners, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then to have their

application for regular bail ordered by the Magistrate concerned. Accordingly, the petitioners are directed to shall surrender before the Investigating Officer on any day between 27.2.2007 and 01.03.2007 for the purpose of interrogation. The petitioners shall thereafter be produced on the same day before the Magistrate having jurisdiction who shall release the petitioners on bail on appropriate conditions.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn